

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 14, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Jim Brunson, Progress Times
Arlene Rivera
Ernesto Flores
Anita Gonzalez
Rafael Gonzalez
Cathy Garcia
Roberto Ramirez
Billy Paul
Don Nelson
Sandra Vecchio
Juan Guerra
Esther Guerra
Andy Lee
Diego Salinas
Erika Vargas
Eleazar Zavala
Enrique Garza
Evangelina Garza
Pat Townsend, Jr.
Roan Gorgez
Maxi Lou Link
Maggie Birmingham
Debbie Alaniz
Pete Jaramillo

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Planning Dept.
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Omar Garcia, Boys & Girls Club Director
Roland Rodriguez, D.P. Manager
Noemi Munguia, HR Director
Rick Saldana, Fire Chief
Jonathan Wehrmeister, Judge
Rosie Salazar, Risk Manager

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 4-0.

Councilwoman Norie Gonzalez Garza joined the meeting at 4:37 p.m.

4. Update on TIRZ Projects

Mr. Geoff Hall, Mission Redevelopment Authority Chairman gave a presentation on TIRZ Projects.

5. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A.57 acre tract of land out of Lot 23-1, W.A.S. Subd., AO-I to R-1, Saul Montes Rodriguez

The property was located 1500' south of Griffin Parkway along the east side of Inspiration Road. The surrounding zonings included R-1 to the west and east and AO-I to the north and south. The surrounding land uses were all single family residential. The FLUM reflected a Moderate Density Residential (MD) designation. A single family home was within the land use parameters of the MD designation.

There was no public opposition at P&Z's 8/19/09 hearing. The P&Z unanimously approved Staff's recommendation.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Councilwoman Garza moved to approve Rezoning: A.57 acre tract of land out of Lot 23-1, W.A.S. Subd. AO-I to R-1, Saul Montes Rodriguez. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

B. Rezoning: A. 105.5'x 250' tract of land out of Lots 26-10 & 27-10, W.A.S. Subd., R1-A to R-3, Frances Garcia

The subject site was located approximately ½ mile north of Griffin Parkway along the west side of Bryan Road. The surrounding zonings included: Agricultural Open Interim (AO-I) to the south and R1-A to all other directions. The existing land uses included single family residential estate to the northwest area, agricultural to the south, and several vacant R1-A lots to the east (Heritage Park II). The Future Land Use Map showed this area developing as Lower Density Residential (LDA), which were directly consistent with the existing R1-A zone.

Though the general area was still not fully developed, the surrounding subdivisions and land uses were comprised of estate setting and R-1A zones. The desired R-3 zone was in direct conflict

with the updated FLUM. There was public opposition at P&Z's 8/19/09 hearing. The P&Z unanimously denied this R-3 application.

Staff, P&Z and City Manager recommended denial.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Mayor Pro Tem Olivarez moved to deny Rezoning: A. 105.5' x 250' tract of land out of Lots 26-10 & 27-10, W.A.S. Subd. R1-A to R-3, Frances Garcia. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

C. Re-Designation of Land Uses: Sharyland Plantation PUD (Various Tracts) Tract 1 – A 30.78 acre tract of land out of Lot 84, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 2 – A 37.38 acre tract of land out of Lots 72 & 82, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 3 – A 15.43 acre tract of land out of Lots 65 & 75., J.H.S. Subd., PUD (Industrial to Multi-Family Residential); Tract 4 – A 30.12 acre tract of land out of Lots 62 & 72, J.H.S. Subd., PUD (High Density to Non-Residential); Tract 5 – Lot 14, Sharyland Service Center No. 9, PUD (Industrial to Non-Residential); Tract 6 – Lot 1, Plantation Grove Sports Complex, & A 2.67 acre tract out of Lots 75 & 76, J.H.S. Subd., PUD (Non-Residential to Medium Density), Hunt Valley Dev.

Tract 1 – A 30.78 acre tract of land out of Lot 84, John H. Shary Subdivision, PUD (Non-Residential to High Density): The subject site was located on the NW corner of Shary Road and San Mateo (the existing Soccer Fields Area). The surrounding land use designations were as follows: West – non-residential; North – medium density; East (across Shary Road) – non-residential; South – high density. The land uses consisted primarily of residential structures to the north and south, an elementary school to the west across the drain ditch; and commercial/office along the east side of Shary Road. Hunt Valley was proposing this change due to the surplus commercial property and since it would complement the existing elementary school and area residential uses.

Tract 2 – A 37.38 acre tract of land out of Lots 72 & 82, John H. Shary Subdivision, PUD (Non-Residential to High Density): The subject site was located on the SW corner of Glasscock Road and San Mateo. The surrounding land use designations were as follows: West – agricultural, North, East, and South – High Density Residential. The land uses consisted of residential to the north and east; a Jr. High School to the south; and Agricultural to the west. Hunt Valley Development was proposing this change due to the surplus commercial property and since it would complement the existing Jr. High School and area residential uses.

Tract 3 – A 15.43 acre tract of land out of Lots 65 & 75, John H. Shary Subdivision, PUD (Industrial to Multi-Family): The subject site was located approximately 300' north of Military Highway along the east side of Shary. The surrounding land use designations were as follows: West (across Shary Road) – High Density; North, East, and South – non-residential. The land uses consisted of residential to the west; a medical plaza to the north; a convenience store and open land to the south; and open land to the east. Staff had no objection to the request since the Multi-Family use was not un-common when adjoining major streets.

Tract 4 – A 30.12 acre tract of land out of Lots 62 & 72, John H. Shary Subdivision, PUD (High Density to Non-Residential): The subject site was located on the NW corner of Glasscock Road and Military Highway. The surrounding land use designations were as follows: West and South – agricultural; North and East – High Density Residential. The land uses consisted of residential to the north and east; agricultural to the west and south; and the subject site had the newly constructed B.L. Grey Jr. High School. Staff had no objection to the request since it would simply reconcile land uses to the PUD Designation.

Tract 5 – Lot 14, Sharyland Service Center No. 9, PUD (Industrial to Non-Residential): The subject site was located on the NE corner of Santa Engracia and FM 1016. The surrounding land use designations were as follows: West – Industrial (proposed change to Multi-Family); North – Multi-Family; East – Industrial; and South – (McAllen’s jurisdiction). The land uses consisted of open acreage to the north; open acreage and commercial (El Tigre) to the west; an industrial warehouse buffered by a drainage canal to the east; and an industrial warehouse to the south. The property was owned by a church which, would have been building soon. Churches fell under the Non-Residential category of Sharyland Plantation’s Development Guidelines.

Tract 6 – Lot 1, Plantation Grove Sports Complex, & A 2.67 acre tract out of Lots 75 & 76, John H. Shary Subdivision, PUD (Non-Residential to Medium Density): The subject site was located on the NE corner of Santa Engracia and San Gabriel. The surrounding land use designations were as follows: West – Non-Residential; North – High Density; East – outside city limits (City of McAllen); and South – Multi-Family. The land uses consisted of residential to the north; commercial offices to the west; Multi-Family and open acreage to the south; and open acreage to the east across Taylor Road. The subject tract was the Sharyland Sports Complex. The proposed re-designation appeared to be consistent with the existing residential uses along the east side of Santa Engracia, which provided a good line of demarcation between the existing commercial and residential uses surrounding the sports complex.

There was no public opposition at P&Z’s 8/19/09 hearing. The P&Z unanimously approved the re-designation of land uses as proposed.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the re-designation request. There was none.

Councilman Plata moved to approve Re-Designation of Land Uses: Sharyland Plantation PUD (Various Tracts) Tract 1 – A 30.78 acre tract of land out of Lot 84, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 2 – A 37.38 acre tract of land out of Lots 72 & 82, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 3 – A 15.43 acre tract of land out of Lots 65 & 75., J.H.S. Subd., PUD (Industrial to Multi-Family Residential); Tract 4 – A 30.12 acre tract of land out of Lots 62 & 72, J.H.S. Subd., PUD (High Density to Non-Residential); Tract 5 – Lot 14, Sharyland Service Center No. 9, PUD (Industrial to Non-Residential); Tract 6 – Lot 1, Plantation Grove Sports Complex, & A 2.67 acre tract out of Lots 75 & 76, J.H.S. Subd., PUD (Non-Residential to Medium Density), Hunt Valley Dev. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

D. Conditional Use Permit: Drive-Thru Service Window, 307 E. Expwy. 83, Lot 6-D, El Pueblo Subd., C-3, Life of Use, McDonald's

This item was originally approved by the City in March '08 but since McDonald's did not commence within the ordinance's 1 year requirement, their CUP had to be re-considered for approval.

The original terms of approval were: 1) directional arrows/signage installed at the entrance of the property (Entrance/Exit), 2) compliance with the landscaping requirements (including retaining the large tree near the current dumpster), 3) the dumpsters be screened from public view and be accessible by a front end loader, and 4) ZBA approval for the 22' front setback. The ZBA granted the applicant a reduced front setback on March 19, 2008.

The subject site was located ¼ mile east of Conway Avenue on the north side of U.S. Expressway 83. Currently, McDonald's was operating from this location with a drive-thru service window since the early 80's. McDonald's liked to remodel the existing restaurant to provide additional consumer amenities such as a kid's playground and also improve the working areas for its employees. A 28' driveway off of the Expressway 83 Frontage Road lead traffic into the drive-thru lane, and a 'wrap around' the building to exit southward via another 24' driveway exiting out back onto the Frontage Road.

Currently the restaurant measured 3,888 sq. ft., the proposed restaurant measured 4,930 sq. ft. Their proposed parking complied with the City's parking ordinance. On landscaping, 5% of the site must have been permanently landscaped with a combination of shade trees, plants, low-shrubs, and grass around the perimeter of the parking lot. There was no public opposition at P&Z's 8/19/09 hearing. The P&Z unanimously approved of the conditional use permit.

Staff Recommendation: Approval subject to: 1) directional arrows/signage installed at the entrance of the property (Entrance/Exit), 2) compliance with the landscaping requirements as outlined above (including retaining the large tree by the current dumpster), and 3) the dumpster be screened from public view and be accessible by a front end loader.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Ramirez moved to approve Conditional Use Permit: Drive-Thru Service Window, 307 E. Expwy. 83, Lot 6-D, El Pueblo Subd., C-3, Life of Use, McDonald's. Motion was seconded by Councilman Plata and approved unanimously 5-0.

E. Conditional Use Permit: 'Sale and On-Site Consumption of Alcoholic Beverages' at 'La Herradura Restaurant & Bar,' 1215 E. Expwy. 83, Lots 14-16, Heritage Commercial Plaza Subd., #1, C-3, Life of Use, Diego Salinas

The property was 800' West of Bryan Road along the North side of U.S. Expressway 83. The applicant was proposing to re-open a 6,000 sq.ft. building (formerly La Tejana Steakhouse). There was a separate room that contained a bar so as not to interfere with the regular dining area. The proposed days and hours of operation of the restaurant were from 11:00 a.m. to 12:00 p.m. on Sundays through Thursday, and from 11:00 a.m. until 2:00 a.m. on Fridays and Saturdays.

Due to the 'bar' component, such uses needed to be 300' from residential uses. Currently, there was a residential development located immediately north.

The 6,000 sq.ft. building had 182 seats. A total of 62 parking spaces were proposed exceeding code by 1. Access to the site would have been from an existing 45' driveway cut to the Expressway's Frontage Road.

There was no public opposition at P&Z's 9/9/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to: 1) waive the 300' separation requirement to the residential use, 2) acquisition of a business license, and 3) 1 year re-evaluation to re-assess new operation to this new owner.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Garza moved to approve Conditional Use Permit: 'Sale and On-Site Consumption of Alcoholic Beverages' at "La Herradura Restaurant & Bar," 1215 E. Expwy. 83, Lots 14-16, Heritage Commercial Plaza Subd., #1, C-3, Life of Use, Diego Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

F. Conditional Use Permit: 'Sale and On-Site Consumption of Alcoholic Beverages' at Los Pescadores Restaurant, 601 "C" E. 9th St., Lots 4-8, Block 165, M.O.T. Subd., C-3, Life of Use, Eleazar Zavala

The subject site was at the NE corner of Business 83 and St. Marie. Mr. Zavala had the following as the days/hours of operation: Monday – Sunday from 11:00 a.m. to 10:00 p.m. Mr. Zavala had five full time employees staffing the seafood restaurant. Parking for this multi-unit complex included 24 parking spaces that were held in common for two restaurants, a retail outlet, and a carwash.

Staff had never received any complaints of lack of parking for this area; thus, we expected similar success with this small restaurant operation.

There was no public opposition at P&Z's 9/9/09 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation, and 2) wet-zone site.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilman Plata moved to approve Conditional Use Permit: 'Sale and On-Site Consumption of Alcoholic Beverages' at Los Pescadores Restaurant, 601 "C" E. 9th St., Lots 4-8, Block 165, M.O.T. Subd., C-3, Life of Use, Eleazar Zavala. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

G. Proposed Annexation of the following areas: Tract A; All of Lots 32-1, 32-2, 31-2, and North 30 acres of Lot 30-12, W.A.S. (to include all of lots in Basham No. 2 Subd., Vela-Zamora Subd., Alex Cavazos Subd., and Premier Subd.); and Tract B; Lots 2, 3, 4, & 6 Mission Farm Estates

The properties were adjacent to Mission City Limits. City Water and/or City Sewer were available to properties in Tract A. Properties in Tract B were currently in Agua's CCNs.

No action was taken on this item due to error on one of the lot numbers on the agenda.

Councilman Plata stepped out of the meeting at 5:18 p.m.

H. Conditional Use Permit: 'Sale and On-site Consumption of Beer & Wine' at Varikai By Go Go Restaurant, 4001 S. Shary Rd., Suite 700, Lot 1, Tech Center No. 2, PUD, Life of Use, Ana Catalina Perez

A CUP was approved in Dec. 2007 for this applicant but at Suite 800; since they were relocating to Suite 700, a new CUP needed to be considered.

The commercial complex was at the SE corner of Shary Road/San Mateo (E. side of Shary). The applicant had her sushi operation at Suite 800 for the past 18 months with no problems voiced to the City. The days & hours of operation were Sunday-Thursday from 11am to 10pm; Friday-Saturday from 11am to 11pm. The restaurant would have 44 seats where 15 parking spaces were required. Since the operation would have remained the same size, it would have had no increased effect on the common parking lot anyway. Access to the site would primarily have been from Shary Road though there were other access points.

There were no schools, parks, or places of worship within 300 feet. There were residences to the west side of a widened Shary Road which were buffered with a masonry wall.

At the P&Z hearing of Aug. 19th, there was no public opposition. P&Z unanimously approved the CUP.

Staff Recommendation: Approval subject to: 1) Waive the 300' separation to buffered residences, 2) acquisition of a business license, 3) wet zoning the property, and 4) 1-year re-evaluation to assess the operation at this new suite site.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Ramirez moved to approve Conditional Use Permit: 'Sale and On-site Consumption of Beer & Wine' at Varikai By Go Go Restaurant, 4001 S. Shary Rd., Suite 700, Lot 1, Tech Center No. 2, PUD, Life of Use, Ana Catalina Perez. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

2.0 Disposition of Minutes

**2.1 City Council Meeting – August 24, 2009,
Special Meetings – August 25th and 31st, 2009**

Mayor Pro Tem Olivarez moved to approve the minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

**3.1 Mission Civil Service Commission – June 29, 2009
Mission Economic Development Corporation – July 21, 2009
Planning and Zoning Commission – August 6, 2009**

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord.# 3475 for Rezoning A .57 acre tract of land out of Lot 23-1, W.A.S. Subd., AO-I to R-1

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3475 for Rezoning A .57 acre tract of land out of Lot 23-1, W.A.S. Subd., AO-I to R-1. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3475

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING REZONING A .57 ACRE TRACT OF LAND OUT OF LOT 23-1,
WEST ADDITION TO SHARYLAND SUBDIVISION, AO-I TO R-1

4.2 Adoption of Ord.# _____ for Rezoning A 105.5' x 250' tract of land out of Lots 26-10, & 27-10, W.A.S. Subd., R1-A to R-3

No action was taken on this item.

4.3 Adoption of Ord.# 3476 for Re-Designation of Land Uses: Sharyland Plantation PUD (Various Tracts) Tract 1 – A 30.78 acre tract of land out of Lot 84, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 2 – A 37.38 acre tract of land out of Lots 72 & 82, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 3 – A 15.43 acre tract of land out of Lots 65 & 75, J.H.S. Subd., PUD (Industrial to Multi-Family Residential); Tract 4 – A 30.12 acre tract of land out of Lots 62 & 72, J.H.S. Subd., PUD (High Density to Non-Residential); Tract 5 – Lot 14, Sharyland Service Center No. 9, PUD (Industrial to Non-Residential); Tract 6 – Lot 1, Plantation Grove Sports Complex, & A 2.67 acre tract out of Lots 75 & 76, J.H.S. Subd., PUD (Non-Residential to Medium Density)

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3476 for Re-Designation of Land Uses: Sharyland Plantation PUD (Various Tracts) Tract 1 – A 30.78 acre tract of land out of Lot 84, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 2 – A 37.38 acre tract of land out of

Lots 72 & 82, J.H.S. Subd., PUD (Non-Residential to High Density); Tract 3 – A 15.43 acre tract of land out of Lots 65 & 75, J.H.S. Subd., PUD (Industrial to Multi-Family Residential); Tract 4 – A 30.12 acre tract of land out of Lots 62 & 72, J.H.S. Subd., PUD (High Density to Non-Residential); Tract 5 – Lot 14, Sharyland Service Center No. 9, PUD (Industrial to Non-Residential); Tract 6 – Lot 1, Plantation Grove Sports Complex, & A 2.67 acre tract out of Lots 75 & 76, J.H.S. Subd., PUD (Non-Residential to Medium Density). Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING THE RE-DESIGNATION OF LAND USES: SHARYLAND PLANTATION PUD (VARIOUS TRACTS) TRACT 1 – A 30.78 ACRE TRACT OF LAND OUT OF LOT 84, JOHN H. SHARY SUBDIVISION, PUD (NON-RESIDENTIAL TO HIGH DENSITY); TRACT 2 – A 37.38 ACRE TRACT OF LAND OUT OF LOTS 72 & 82, JOHN H. SHARY SUBDIVISION, PUD (NON-RESIDENTIAL TO HIGH DENSITY); TRACT 3 – A 15.43 ACRE TRACT OF LAND OUT OF LOTS 65 & 75, JOHN H. SHARY SUBDIVISION, PUD (INDUSTRIAL TO MULTI-FAMILY RESIDENTIAL); TRACT 4 – A 30.12 ACRE TRACT OF LAND OUT OF LOTS 62 & 72, JOHN H. SHARY SUBDIVISION, PUD (HIGH DENSITY TO NON-RESIDENTIAL); TRACT 5 – LOT 14, SHARYLAND SERVICE CENTER NO. 9, PUD (INDUSTRIAL TO NON-RESIDENTIAL); TRACT 6 – LOT 1, PLANTATION GROVE SPORTS COMPLEX, & A 2.67 ACRE TRACT OUT OF LOTS 75 & 76, JOHN H. SHARY SUBDIVISION, PUD (NON-RESIDENTIAL TO MEDIUM DENSITY)

4.4 Adoption of Ord.# 3477 for CUP for a Drive-Thru Service Window, 307 E. Expwy. 83, Lot 6-D, El Pueblo Subd.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3477 for CUP for a Drive-Thru Service Window, 307 E. Expwy. 83, Lot 6-D, El Pueblo Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3477

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW, 307 EAST EXPRESSWAY 83, LOT 6-D, EL PUEBLO SUBDIVISION

4.5 Adoption of Ord.# 3478 for CUP ‘Sale and On-Site Consumption of Alcoholic Beverages’ at ‘La Herradura Restaurant & Bar,’ 1215 E. Expwy. 83, Lots 14-16, Heritage Commercial Plaza Subd. #1

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3478 for CUP ‘Sale and On-Site Consumption of Alcoholic Beverages’ at ‘La Herradura Restaurant & Bar,’ 1215 E. Expwy. 83, Lots 14-16, Heritage Commercial Plaza Subd. #1. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3478

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT 'SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES' AT "LA HERRADURA RESTAURANT & BAR," 1215 E. EXPRESSWAY 83, LOTS 14-16, HERITAGE COMMERCIAL PLAZA SUBDIVISION #1

4.6 Adoption of Ord.# 3479 for CUP 'Sale and On-Site Consumption of Alcoholic Beverages at Los Pescadores Restaurant, 601 "C" E. 9th St., Lots 4-8, Block 165, M.O.T. Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3479 for CUP 'Sale and On-Site Consumption of Alcoholic Beverages at Los Pescadores Restaurant, 601 "C" E. 9th St., Lots 4-8, Block 165, M.O.T. Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3479

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT LOS PESCADORES RESTAURANT, 601 "C" E. 9TH STREET, LOTS 4- 8, BLOCK 165, MISSION ORIGINAL TOWNSITE

4.7 Adoption of Ord.# 3480 for CUP for the 'Sale and On-Site Consumption of Beer & Wine, at Varikai By Go Go Restaurant, 4001 S. Shary Rd., Suite 700, Lot 1, Tech Center No. 2 Subd.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ord. No. 3480 for CUP for the 'Sale and On-Site Consumption of Beer & Wine, at Varikai By Go Go Restaurant, 4001 S. Shary Rd., Suite 700, Lot 1, Tech Center No. 2 Subd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3480

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF BEER AND WINE AT VARIKAI BY GO GO RESTAURANT, 4001 SOUTH SHARY ROAD, SUITE 700, LOT 1, TECH CENTER NO. 2 SUBDIVISION

Councilman Plata rejoined the meeting at 5:24 p.m.

4.8 Preliminary Plat Approval: Eduardo's No. 9 Subd., 23.56 Acre tract being all of Lots 66 & 67, Block 1, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre Engineer: Izaguirre Engineering Group, Inc.

This subdivision was located approximately 3,500 feet south of Mile 7 (FM 492) along the west side of La Homa Road. The subdivision consisted of 38 lots, where Lots 1 & 2 and 32 through 38 had the option of being used for commercial or multi-family purposes. The remaining lots had been used for residential purposes.

The water CCN belonged to SWSC. The developer was providing water by connecting to an existing 6" waterline located along the west side of La Homa Road and extending a new 6" line west into the proposed subdivision.

Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (NOTE: Mission sewer was 2.23 miles away).

The lots would have been facing a 50' ROW 32' B/B paved street built to the County's construction specifications. Prosperidad Drive would have had a temporary cul-de-sac located at the western perimeter of the subdivision to allow for future extension of the street through future developments. There were also two 50' residential streets in a cul-de-sacs off of Prosperidad Drive. No residential access would have been allowed from Lots 1 & 2 and 32 through 38 onto La Homa Road.

Drainage for this subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines. On 9/9/09, the P&Z approved the plat subject to staff's recommendation.

Staff Recommendation: Approval subject to 1) plat noting the amount of detention per lot, and 2) meeting the Model Subdivision Rules.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Preliminary Plat Approval: Eduardo's No. 9 Subd., 23.56 Acre tract being all of Lots 66 & 67, Block 1, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre Engineer: Izaguirre Engineering Group, Inc. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Approval of Ord.# _____ to Amend the Zoning Ord. by adding 'A family-owned car-wash business when the owner resides adjoining said site that also has frontage to an arterial street and resident family members only will participate in its operation' as a Conditional Use in the Single-Family Residential Zoning District

A few months ago, the P&Z reviewed a C-3 rezoning where the lot sizing and FLUM were not accommodating to such a permanent commercial change; however, the specific merits of the applicant family impressed upon the P&Z that perhaps a new 'conditional use' under the existing R-1 zone would have been more comfortable for all concerned instead of a perpetual C-3 change. This amendment would have amended the R-1 zoning code by adding the following as a Conditional Use:

A family-owned carwash business when the owner resided adjoining said site that also had frontage to an arterial street, and resident family members only would participate in its operation.

This amendment, if approved, would have allowed resident families to ask (via CUP process) the City to have a small mom-and-pop car wash where resident family members would help in its operation.

During the course of working in the car wash family members (and in particular the youth) would learn hard work ethics while helping contribute to the family's expendable income. This amendment would have been helpful to instill self-reliant values, too.

There was no public opposition at P&Z's 8/19/09 hearing. The P&Z unanimously approved the amendment to the Zoning Ordinance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to deny approval of ordinance to Amend the Zoning Ord. by adding 'A family-owned car-wash business when the owner resides adjoining said site that also has frontage to an arterial street and resident family members only will participate in its operation' as a Conditional Use in the Single-Family Residential Zoning District. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 Approval of Ord.# 3481 granting a wet designation for 601 "C" E. 9th St., Lots 4-8 Block 165, M.O.T., Los Pescadores Restaurant

Staff was requesting the above mentioned property be wet zoned for Sale & on-Site Consumption of Alcoholic Beverages at Los Pescadores Restaurant based on previously approved CUP.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3481 granting a wet designation for 601 "C" E. 9th St., Lots 4-8 Block 165, M.O.T., Los Pescadores Restaurant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 601 "C" E. 9TH STREET, LOTS 4-8, BLOCK 165, MOT

4.11 Approval of Ord.# 3482 granting a wet designation for 4001 S. Shary Rd., Suite 700 Lot 1, Tech Center #2, Varikai by Go Go

Staff was requesting the above mentioned property be wet zoned for Sale & on-Site Consumption of Alcoholic Beverages at Varikai by Go Go based on previously approved CUP.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No 3482 granting a wet designation for 4001 S. Shary Rd., Suite 700 Lot 1, Tech Center #2, Varikai by Go Go. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 4001 S. SHARY ROAD, SUITE 700, LOT 1, TECH CENTER #2

4.12 Approval of Res.# 1244 expressing the city's nomination for the Appraisal District Board of Directors for 2010 – 2011

The Hidalgo County Appraisal District had invited Valley cities to submit nominations for Board of Directors for 2010-2011. Nominations needed to be received by the Appraisal District by October 15, 2009. Mayor Salinas was recommending the nomination of Amador Requenez for council consideration.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1244 expressing the city's nomination for the Appraisal District Board of Directors for 2010 – 2011. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1244

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS EXPRESSING ITS NOMINATION FOR APPRAISAL DISTRICT DIRECTORS FOR 2010-2011 ON THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

4.13 Amendment to Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary

Amendment to Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services of the Mission Boys and Girls Club of America at Martinez and Jensen Elementary where it provided after school programs for the area youth.

Interlocal Agreement was approved by the City Council on August 24, 2009, after review by the school district it was agreed to delete the Indemnity Clause from the previously approved Interlocal Agreement.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Amendment to Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.14 Amendment to Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary

Amendment to Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services of the Mission Boys and Girls Club of America at

Leal Elementary where it provided after school programs for the area youth.

Interlocal Agreement was approved by the City Council on August 24, 2009, after review by the school district it was agreed to delete the Indemnity Clause and specify the obligations of the District to the Club.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Amendment to Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.15 Approval of Ord.# 3483 adopting the Fiscal Year 2009-2010 Annual Budget

This ordinance formally adopted the FY 2009-2010 City Budget.

| | |
|-------------------------------|---------------------|
| General fund Budget | \$34,254,420 |
| Utility Fund Budget | 17,267,329 |
| Golf Course Fund Budget | 1,438,155 |
| Solid Waste Fund Budget | 4,741,186 |
| Special Revenue Funds Budgets | 8,537,513 |
| Cemetery Trust Fund Budget | 20,000 |
| Group Health Fund Budget | 3,093,562 |
| Debt Service Fund | <u>3,918,377</u> |
| | <u>\$73,270,542</u> |

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3483 adopting the Fiscal Year 2009-2010 Annual Budget as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0

ORDINANCE NO. 3483

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MISSION FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; APPROPRIATING MONEY TO A DEBT SERVICE FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MISSION FOR THE 2009 – 2010 FISCAL YEAR

4.16 Approval of Ord.# 3484 adopting the Tax Rate

The Tax Rate for the fiscal year 2009-2010 was \$0.5566 per \$100 property value. In addition to establishing the tax rate, this ordinance provided a \$10,000 exemption for the elderly and a \$10,000 exemption for the disabled. The City would also continue the tax freeze established in 2005 for the elderly and disabled, ensuring the total amount of ad valorem taxes paid would not increase.

| | |
|----------------|-----------------|
| I&S Rate | \$0.1153 |
| M&O Rate | <u>\$0.4413</u> |
| Total Tax Rate | \$0.5566 |

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord.No. 3484 adopting the Tax Rate. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0

ORDINANCE NO. 3484

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS LEVYING AN AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MISSION FOR THE FISCAL YEAR 2009-2010; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID; AND PROVIDING FOR EXEMPTIONS FOR THE ELDERLY AND FOR THE DISABLED

4.17 Approval of Ord.# 3485 adopting the Mission Economic Development Corporation Fiscal Year 2009-10 Annual Budget

Resolution 2009-06 was approved by MEDC on Tuesday, September 1, 2009. The City Manager was recommending approval of their budget.

Mayor Salinas represented the City of Mission on the board and the City Manager served as an ex officio.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ordinance No. 3485 adopting the Mission Economic Development Corporation Fiscal Year 2009-10 Annual Budget. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3485

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS ADOPTING APPROPRIATIONS FOR THE SUPPORT OF THE MISSION ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010

4.18 Budget Amendments: Designated Purpose Fund, Group Health, Post Employment Trust Fund and 2009 CO

Mrs. Janie Flores, Finance Director presented the budget amendments BA-87 thru BA-90 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-87 thru BA-90 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.19 Authorization to solicit Request for Qualifications (RFQ's) for Arbitrage Rebate Compliance Services

The City was required to perform an annual arbitrage calculation on all its bonds issues in order to determine if any funds were due to the I.R.S. under Section 148 of the I.R.S. Code.

The City's contract with First Southwest Asset Management, Inc. would expire on October 25, 2009. First Southwest had been performing the arbitrage calculations on all applicable debt since June 1999.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to solicit Request for Qualifications (RFQ's) for Arbitrage Rebate Compliance Services. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.20 Approval of Res.# 1245 adopting a comprehensive policy of guidelines and criteria for governing tax abatement incentives within the City of Mission and its triterritorial jurisdiction

By State law, Tax Abatement Guidelines and Criteria must have been re-adopted every two years. The City Council last adopted a similar resolution in September of 2007 with similar tax abatement program guidelines. MEDA had reviewed the guidelines and recommended approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Res. No. 1245 adopting a comprehensive policy of guidelines and criteria for governing tax abatement incentives within the City of Mission and its triterritorial jurisdiction. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1245

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR
GOVERNING TAX ABATEMENT INCENTIVES, WITHIN THE CITY OF MISSION AND
ITS EXTRATERRITORIAL JURISDICTION

4.21 Approval of Ord.# 3486 authorizing execution of contractual agreement with TxDOT for ROW on FM 396

This ordinance authorized the Mayor to execute the contractual Agreement of Right of Way Procurement-Local Government required by Texas Department of Transportation (TxDOT) for the FM 396. The State had deemed it necessary to make certain highway improvements on FM 396 from 1.6 mile South of U.S. 83 to 0.10 Mile South of U.S. 83 and which section of highway improvements would have necessitated the acquisition of certain right of way. The City had been granted an Economically Disadvantaged County Program Application from the Texas Department of Transportation Commission under Minute Order No. 11487, which awarded the City a ninety percent (90%) adjustment to the required City's ten percent (10%) cost participation, thereby resulting in a Local Government net contribution amount of one percent (1.0%) cost participation and State cost participation of ninety nine percent (99.0%).

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ord. No. 3486 authorizing execution of contractual agreement with TxDOT for ROW on FM 396. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3486

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AUTHORIZING THE EXECUTION OF A CONTRACTURAL AGREEMENT FOR RIGHT OF WAY PROCUREMENT-LOCAL GOVERNMENT FOR PROJECT NO. 3097-02-013, FM 396

4.22 Authorization to accept the 2010 STEP Comprehensive Grant from the Texas Department of Transportation

The Mission Police Department was requesting authorization to accept the 2010 Comprehensive Selective Traffic Enforcement Program Grant from the Texas Department of Transportation. The 2010 STEP program was designed to provide grant monies to increase seat belt enforcement, speed enforcement, and DWI enforcement throughout our community. The grant amount of \$68,933.47 would have been utilized for enforcement purposes. The in-kind match of \$10,351.00 required by the City of Mission would have been matched by accessing a mileage fee for the use of the patrol units utilized for enforcement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept the 2010 STEP Comprehensive Grant from the Texas Department of Transportation. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.23 Authority to rescind Section 1 (A) (4) of Ord. No. 2356 and adopt Ordinance No. 3487 regulating speed on Two Mile Line between Conway Ave. and Taylor Rd.

The Mission Police Department was requesting authorization to rescind Section 1 (A) (4) of Ordinance No. 2356 and adopt and new ordinance regulating speed on Two Mile Line between Conway Avenue and Taylor Road. The Mission Police Department was requesting that the speed limit on Two Mile Line be set at 40 mph.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authority to rescind Section 1 (A) (4) of Ord. No. 2356 and adopt Ordinance No. 3487 regulating speed on Two Mile Line between Conway Ave. and Taylor Rd. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3487

AN ORDINANCE OF THE CITY OF MISSION, TEXAS, RESCINDING SECTION 1 (A) (4) OF ORDINANCE NO. 2356 AND ADOPTING ORDINANCE NO. 3487 PROVIDING FOR TRAFFIC CONTROL AS FOLLOWS: THAT NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF FORTY (40) MILES PER HOUR ON TWO MILE LINE BETWEEN CONWAY AVENUE AND TAYLOR ROAD IN EITHER DIRECTION; PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.24 Authorization to enter into a Memorandum of Understanding with the United States Marshals Service for FY 2009

The Mission Police Department was requesting authorization to enter into a Memorandum of Understanding with the United States Marshals Service for Fiscal Year 2009. This particular MOU was for the purchase of an undercover police unit valued at \$25,000.00 or less that would have been utilized by the Mission Police Investigator assigned to the Regional Fugitive Task Force. The U.S. Marshals Service would purchase the vehicle for the City of Mission Police Department. The Mission Police Department agreed to accept ownership of the new police vehicle and agreed to provide maintenance and insurance coverage. The agreement would have also provided for the purchase of up to \$5,000.00 in police equipment (lights/siren, etc.) and a total of \$6,000.00 for the purchase of fuel that would have been utilized for this particular undercover vehicle during fiscal year 2009. Staff was recommending that authorization be granted to engage in the Memorandum of Understanding with the United States Marshal's Service.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to enter into a Memorandum of Understanding with the United States Marshals Service for FY 2009. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.25 Approval of Ord.# 3488 providing for no parking signs on the north and south side of the road of the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no parking signs on the north and south side of the road of the 200 block of E. 15th between 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days that Mission Consolidated Independent School District was in session. The no parking signs during the aforementioned time periods allowed traffic flow to run smoothly without being blocked by possible parked vehicles during the pick up and drop off hours to Mission Jr. High School. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no parking signs on the north and south side of the road of the 200 block of E. 15th St.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ord. No. 3488 providing for no parking signs on the north and south side of the road of the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3488

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO PARKING SIGNS: NO VEHICLE WILL BE ALLOWED TO PARK ON THE NORTH AND SOUTH SIDE OF THE ROAD OF THE 200 BLOCK OF E. 15TH ST. BETWEEN THE HOURS OF 7:00 AM TO 8:30 AM AND 3:30 PM TO 5:00 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO PARKING SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.26 Approval of Ord.#3489 providing for no thru traffic sign at the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no thru traffic sign at the 200 block of E. 15th St. between 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days that Mission Consolidated Independent School District was in session. The no thru traffic sign during the aforementioned time periods facilitated the drop off and pick up of students at Mission Jr. High, forcing patrons of Mission Jr. High to follow the traffic flow. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no thru traffic sign at the 200 block of E. 15th St.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3489 providing for no thru traffic sign at the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3489

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO THRU TRAFFIC SIGN: NO VEHICLE TRAVELING EASTBOUND ON 15TH ST. SHALL ENTER THE 200 BLOCK OF E. 15TH ST. BETWEEN THE HOURS OF 7:00 AM TO 8:30 AM AND 3:30 PM TO 5:00 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO THRU TRAFFIC SIGN AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.27 Approval of Ord.# 3490 providing for no parking signs on the south side of the 1200 block of Bryce St. between the hours of 7:00 a.m. and 5:00 p.m. on the days the Mission CISD Administration is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no parking on the south side of the road of the 1200 block of Bryce St. between the hours of 7:00 a.m. and 5:00 p.m. on the days that Mission Consolidated Independent School District Administration was in session. The no parking signs during the aforementioned time periods prevented any pedestrian being struck by a vehicle as they crossed to visit the school district administration. The no parking signs also allowed the mail carriers to deliver the mail on time for the tenants who resided on the south side the road across the Mission Consolidated School District Administration Building. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no parking signs on the south side of the road of the 1200 block of Bryce

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3490 providing for no parking signs on the south side of the 1200 block of Bryce St. between the hours of 7:00 a.m. and 5:00 p.m. on the days the Mission CISD Administration is in session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3490

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO PARKING SIGNS: NO MOTOR VEHICLE WILL BE ALLOWED TO PARK ON THE SOUTH SIDE OF THE ROAD OF THE 1200 BLOCK OF BRYCE St. BETWEEN THE HOURS OF 7:00 AM AND 5:00 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT ADMINISTRATION IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO PARKING SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.28 Approval of Ord.# 3491 providing for a no left turn sign at the 1500 block of Doherty Ave. onto the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no left turn sign at the 1500 block of Doherty Ave. onto the 200 block of E. 15th St. between 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days that Mission Consolidated Independent School District was in session. The no left turn sign during the aforementioned time periods allowed traffic flow to run smoothly during the pick up and drop off hours to Mission Jr. High School. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no left turn sign at the 1500 block of Doherty Ave onto the 200 block of 15th St.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3491 providing for a no left turn sign at the 1500 block of Doherty Ave. onto the 200 block of E. 15th St. between the hours of 7:00 a.m. to 8:30 a.m. and 3:30 p.m. to 5:00 p.m. on the days the Mission CISD is in session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3491

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO LEFT TURN SIGN: NO VEHICLE WILL BE ALLOWED TO TURN LEFT ONTO THE 200 BLOCK OF E. 15TH ST. FROM THE 1500 BLOCK OF DOHERTY AVE. BETWEEN THE HOURS OF 7:00 AM TO 8:30 AM AND 3:30 PM TO 5:00 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO LEFT TURN SIGN AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATIONS APPLICABLE THERETO:

4.29 Approval of Ord.# 3492 providing the striping on the roadway at the 1500 block of Miller Ave. (existing one way street) depicting the west lane with a white arrow turning left and the east lane with an arrow showing right turn only

The City of Mission Police Department received a request for approval of an ordinance establishing the striping on the roadway at the one way street located at the 1500 block of Miller Ave. The striping consisted of arrows painted on the roadway depicting the west lane with a white arrow turning left and the east lane with an arrow showing white turn only. This one way

street was the exit to the pick up and drop off zone to Mission Jr. High Scholl and expedited the flow of traffic safer in the school zone. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the three-way stop intersection.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3492 providing the striping on the roadway at the 1500 block of Miller Ave. (existing one way street) depicting the west lane with a white arrow turning left and the east lane with an arrow showing right turn only. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3492

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL BEING LEFT TURN ARROW AND A RIGHT TURN ARROW STRIPED ON THE ROADWAY OF THE FOLLOWING STREET: 1500 BLOCK OF MILLER AVE.; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STRIPPED LEFT TURN ARROW AND RIGHT TURN ARROW AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.30 Approval of Ord.# 3493 providing for a Three-Way Stop Intersection of 15th and Doherty Ave.

The City of Mission Police Department received a request for approval of an ordinance establishing a Three-Way Stop Intersection at 15th St. and Doherty Ave. The increase in traffic density during the pick up and drop off times at Mission Jr. High School had raised concerns on the lack of traffic flow. The implementation of the three-way stop intersection assisted in regulating the flow of traffic, which in turn assisted in making the roadway safer to travel. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the three-way stop intersection.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3493 providing for a Three-Way Stop Intersection of 15th and Doherty Ave. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3493

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL BEING STOP SIGNS AT THE FOLLOWING INTERSECTION: 15TH St. AND DOHERTY AVE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.31 Approval of Ord.# 3494 providing the IDEA Academy, be designated as a school zone between the 1300 and 1600 Block of South Schuerbach Rd. and proper signage be posted to reflect school zone regulating speed at 20 mph during school hours

The City of Mission Police Department received a request for approval of an ordinance declaring the IDEA Academy, located on South Schuerbach Rd., as a school zone between the 1300 and 1600 Block of South Schuerbach Rd. regulating speed at 20 mph during school hours. The proper signs complied with state law and slowed down traffic making it safer for students walking to and from school. The Traffic Safety Committee and Staff was recommending this ordinance be adopted declaring the IDEA Academy as a school zone.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3494 providing the IDEA Academy, be designated as a school zone between the 1300 and 1600 Block of South Schuerbach Rd. and proper signage be posted to reflect school zone regulating speed at 20 mph during school hours. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3494

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING A SCHOOL ZONE FOR IDEA ACADEMY: NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF 20 MILES PER HOUR ALONG THE 1300 THROUGH 1600 BLOCK OF SOUTH SCHUERBACH RD. IN EITHER DIRECTION DURING THE DAYS AND SCHOOL HOURS THAT IDEA ACADEMY HAS SCHOOL IN SESSION; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.32 Approval of Ord.# 3495 providing for no parking signs on the east side of the 200 block of S. Mayberry Rd. between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on the days the Mission CISD is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no parking on the east side of the road at the 200 block of S. Mayberry Rd. between the hours of 7:00 am to 8:30 am and 2:30 pm to 4:30 pm on the days that Mission Consolidated Independent School District was in session. The no parking signs during the aforementioned time periods prevented any pedestrian being struck by a vehicle as they crossed to visit or attend Castro Elementary. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no parking signs on the east side of the road of the 500 block of S. Mayberry Rd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3495 providing for no parking signs on the east side of the 200 block of S. Mayberry Rd. between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on the days the Mission CISD is in session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3495

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO PARKING SIGNS: NO MOTOR VEHICLE WILL BE ALLOWED TO PARK ON THE EAST SIDE OF THE ROAD OF THE 200 BLOCK OF S. MAYBERRY RD. BETWEEN THE HOURS OF 7:00 AM TO 8:30 AM AND 2:30 PM TO 4:30 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO PARKING SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.33 Approval of Ord.# _____ providing for a Three-Way Stop Intersection at Cimarron Dr. and J.R. Dr.

The City of Mission Police Department was requesting approval of an ordinance to regulate traffic at the intersection of Cimarron Drive and J.R. Drive with a three-way stop sign. Based on the increase in traffic density in the area, it was imperative to install the 3-Way Stop intersection to manage the flow of traffic. Staff was recommending approval for the 3-Way Stop intersection.

No action was taken on this item.

4.34 Approval of Ord.# _____ providing for a Three-Way Stop Intersection at Glasscock Rd. and Trinity Dr.

The City of Mission Police Department was requesting approval of an ordinance to regulate traffic at the intersection of Glasscock Road and Trinity Drive with a three-way stop sign. Based on the increase in traffic density in the area, it was imperative to install the 3-Way Stop intersection to manage the flow of traffic. Staff was recommending approval for the 3-Way Stop intersection.

No action was taken on this item.

4.35 Approval of Ord.# _____ providing for a Four-Way Stop Intersection at Glasscock Rd. as it intersects with Rio Balsas and Jonathon Dr.

The City of Mission Police Department was requesting approval of an ordinance to regulate traffic at the intersection of Glasscock Road and Rio Balsas/Jonathon Dr. with a four-way stop intersection. Based on the increase in traffic density in the area, it was imperative to install the 4-Way Stop intersection to manage the flow of traffic. Staff was recommending approval for the 4-Way Stop intersection.

No action was taken on this item.

4.36 Approval of Ord.# _____ providing for a Three-Way Stop Intersection at Rio Grande Dr. and Frio Dr.

The City of Mission Police Department was requesting approval of an ordinance to regulate traffic at the intersection of Rio Grande Drive and Frio Drive with a three-way stop sign. Based on the increase in traffic density in the area, it was imperative to install the 3-Way Stop intersection to manage the flow of traffic. Staff was recommending approval for the 3-Way Stop intersection.

No action was taken on this item.

4.37 Approval of Ord.# _____ providing for a Three-Way Stop Intersection at Rio Grande Dr. and Glasscock Rd.

The City of Mission Police Department was requesting approval of an ordinance to regulate traffic at the intersection of Rio Grande Drive and Trinity Drive with a three-way stop sign. Based on the increase in traffic density in the area, it was imperative to install the 3-Way Stop intersection to manage the flow of traffic. Staff was recommending approval for the 3-Way Stop intersection.

No action was taken on this item.

4.38 Approval of Amendment #6 to the Fleet Management and Maintenance Contract between the City of Mission, Texas and First Vehicle Services

Amendment #6 added one more year to the Fleet Management and Maintenance Contract that was awarded to First Vehicle in May 2003, by City Council.

Amendment #6 increased the annual 2009 budget from \$670,890.00 to \$704,874.00 for 2009. The \$33,984.00 difference was due to a 5.0% rate increase on the consumer price index (CPI).

Staff and City Manager recommended approval.

Mayor Salinas requested to begin looking at the contract to possibly handle Fleet Maintenance in house next year.

Mayor Pro Tem Olivarez moved to approve Amendment #6 to the Fleet Management and Maintenance Contract between the City of Mission, Texas and First Vehicle Services. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.39 Approval of Intergovernmental Cooperative Agreement with Palm Valley Animal Center

The Palm Valley Animal Center was increasing their fee from \$56.00 to \$59.00 per animal that was delivered to their shelter after October 1, 2009. Last year the fee increased from \$51.00 to \$56.00.

The only animals that would have been delivered to the Palm Valley Animal Center were the ones that needed to be quarantine and in some cases animals would have also been transported to the Center to relieve overcrowding in our kennels.

The City of Mission's kennel would house all other animals that were picked up by Animal Control Officers.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Intergovernmental Cooperative Agreement with Palm Valley Animal Center. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.40 Authorization to extend contract for one year for Hot and Cold Mix for Streets, Utility and Waste Water Departments

In 2008, the City of Mission entered into agreement with Frontera Materials, Inc for Hot and Cold Mix for Streets, Utility, and Waste Water Departments. The contract terms were for one year with two one-year optional extensions based on a 10% maximum increase in price. Staff was seeking authorization to extend contract for the first optional year with Frontera Materials, Inc. Term of contract: October 1, 2009 through September 30, 2010. The prices had decreased as follows:

| | 2008 – 2009 Contract | 10/1/09 – 9/30/10 Contract |
|----------------------|----------------------|----------------------------|
| Hot mix (pick-up) | \$65.50 | \$49.00 |
| Hot mix (delivered) | \$70.00 | \$53.00 |
| | | |
| Cold mix (pick-up) | \$80.00 | \$75.00 |
| Cold mix (delivered) | \$84.50 | \$79.00 |

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to extend contract for one year for Hot and Cold Mix for Streets, Utility and Waste Water Departments. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.41 Authorization to extend contract for one year for Caliche for Streets, Utility, and Waste Water Departments

In 2008, the City of Mission entered into agreement with Frontera Materials, Inc for Caliche for Streets, Utility, and Waste Water Departments. The contract terms were for one year with two one-year optional extensions based on a 10% maximum increase in price. Staff was seeking authorization to extend contract for the first optional year with Frontera Materials, Inc. Term of contract: October 1, 2009 through September 30, 2010. The prices had decreased as follows:

| | 2008 – 2009 Contract | 10/1/09 – 9/30/10 Contract |
|---------------------|----------------------|----------------------------|
| Caliche (pick-up) | \$3.50 | \$2.90 |
| Caliche (delivered) | \$8.00 | \$7.40 |

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to extend contract for one year for Caliche for Streets, Utility, and Waste Water Departments. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.42 Authorization to solicit bids for the purchase of Waterline Material for Inspiration Rd. Project – from Schuerbach to Inspiration through Military Rd.

Staff was seeking authorization to solicit bids for the purchase of waterline material for Inspiration Road Project – from Schuerbach to Inspiration through Military Road. This improvements increased water pressure and looped the water system.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for the purchase of Waterline Material for Inspiration Rd. Project – from Schuerbach to Inspiration through Military Rd. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.43 Authorization to extend contract for one year for Liquid Emulsion Polymer for Waste Water Department

In 2008, the City of Mission entered into agreement with Fort Bend, Inc. for Liquid Emulsion Polymer for Waste Department. The contract terms were for one year with two one-year optional extensions based on an 8% maximum increase in price. Staff was seeking authorization to extend contract for the first optional year with Fort Bend Services, Inc. Term of contract: October 1, 2009 through September 30, 2010. The Prices remained the same as follows: Liquid Emulsion Polymer: \$1.33/lb. or \$598.50/drum.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to extend contract for one year for Liquid Emulsion Polymer for Waste Water Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.44 Bid for reparation of roof for the City of Mission - Fire Station No. 3

On July 27, 2009, City Council authorized staff to solicit bids for reparation of roof for the City of Mission – Fire Station No. 3. The City of Mission had accepted and opened three (3) bid responses for this project. Staff was recommending awarding to the first low bidder, O.G. Construction CO., LLC, for a total overall cost of \$26,619. Initial cost was estimated and budgeted at \$29,000.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for reparation of roof for the City of Mission - Fire Station No. 3. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.45 Authorization to solicit bids for improvements to the Golf Pro Shop at the Shary Golf Course

Staff was seeking authorization to solicit bids for improvements to the Golf Pro Shop at the Shary Golf Course.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for improvements to the Golf Pro Shop at the Shary Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.46 Approval of Change Order No. 2 for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility

Change Order # 2 was a request for an increase of \$1,605.00 to the original Contract amount for the interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility. This Change order was for installation of 35 sheets of additional plywood and for replacement of cedar trim that was not on the original scope of work. This plywood and cedar trim was placed on the West and South Wall. This increase to the contract changed the total price from \$39,281 to \$40,886. Contract price of \$39,281 had been increased by \$1,605 with Change Order number 2.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Change Order No. 2 for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.47 Bid for Employee Insurance Benefit Contracts and Supplemental Voluntary Insurances and authorize City Manager to execute contracts incident thereto

On July 13, 2009, the Risk Management and Employee Benefits Department along with the Purchasing Department sought authorization from City Council to solicit bids or purchase via any state approved contract for employee insurance benefits following proper procurement guidelines.

Numerous bids were submitted and opened on Monday, August 3, 2009. After evaluation and assessment, city staff recommended awarding the overall lowest bidder in life, long-term disability, and supplemental voluntary insurances, selected through competitive bidding or purchased via state approved contract, as follows:

- Group Life/Addt'l Life and AD&D to the Standard (Agent Pete Jaramillo)
- Group Long-Term Disability to the Standard (Agent Pete Jaramillo)
- E.A.P. Employee Assistance Program to Deer Oaks (thru P.E.B.A.)
- Supplemental Voluntary Insurances – Cancer to Allstate (Agent Bob Trevino), AFLAC (thru P.E.B.A.), and Colonial (thru P.E.B.A.).
- Supplemental Voluntary Insurances – Critical Illness to Allstate (Agent Bob Trevino), and AFLAC (thru P.E.B.A.).
- Supplemental Voluntary Insurances – Cancer Cash to Allstate (Agent Bob Trevino)

All carriers that did not submit a bid, renewal, or met the enrollment threshold of 25%, would have been sent a notice to port policies on an individual basis and/or direct billing, according to federal and state laws.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for Employee Insurance Benefit Contracts and Supplemental Voluntary Insurances and authorize City Manager to execute contracts incident thereto. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 6:21 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Personnel or to hear complaints against personnel, Sec. 551.074

A. City Manager's Employment Agreement

7.2 Purchase, exchange, lease, or value of real property Sec. 551.072

A. Parcel # 14, Parcel # 32, and Parcel # 43 regarding Mile 2 North Rd. Project

7.3 Private consultation with the City Attorney, Sec. 551.071

Personnel or to hear complaints against personnel, Sec. 551.074

A. Bryan Rd. (FM 396) and Trinity Overpass Projects ROW Acquisitions – Attorney

7.4 Private consultation with the City Attorney, Sec. 551.071

A. Housing Case 4002 Lopez St.

7.5 The City Council will reconvene in open session to take any actions necessary

At 6:59 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to extend contract from October 1, 2009 – September 30, 2011 for \$155,000 annually and \$10,000 auto allowance. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

No action was taken on item 7.2-A.

No action was taken on item 7.3-A.

On item 7.4-A, Councilwoman Garza moved to authorize City Manager to certify that the resident met all the qualifications. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

8.0 Adjournment

At 7:02 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary